

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF MAKHPAL
KARIBZHANOVA FOR JUDICIAL
ASSISTANCE PURSUANT TO 28 U.S.C. §
1782

Case No. _____

ECF Case

**AFFIDAVIT OF MAKHPAL KARIBZHANOVA IN SUPPORT OF APPLICATION
FOR JUDICIAL ASSISTANCE PURSUANT TO 28 U.S.C. § 1782**

MAKHPAL KARIBZHANOVA, being duly sworn and deposed, declares the following:

1. The information contained in this affidavit is within my personal knowledge unless otherwise noted.
2. I am a citizen of Kazakhstan and resident of New York State. I am the Applicant for this request for judicial assistance.
3. I am the former spouse of Aidan Karibzhanov (“Aidan”). We were married from 1997 to May 15, 2018.

My Relationship with Aidan

4. I was born in Kazakhstan in 1974. My father was a famous Kazakh scientist and academician.
5. Prior to our marriage, I had a thriving career: first the Prima Ballerina in Kazakh State Academic Opera and Ballet Theatre named Abay. After organizing an international fashion show in Kazakhstan, I was offered a contract with Ford Models. I moved to Paris where I

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was earning up to \$1200 per hour for modeling jobs and was solicited for jobs by couture fashion houses.

6. During this time, Aidan had recently graduated from university and was working at a bank. He made little money. He was living with his parents and did not own a car.

7. Aidan pursued a relationship with me for more than a year, including several marriage proposals that I declined. He was frequently jealous and believed I was meeting other men. He called me numerous times a day.

8. Eventually, I returned to Kazakhstan and, in November 1997, we were married. Before we were married, Aidan forced me to terminate my contract with Ford Models.

9. The contract with Ford Models that Aidan forced me to terminate previously yielded me a large income and allowed me to be financially independent.

10. After we got married in 1997, Aidan forbade me from working. I wanted to keep working but he was adamant. He assured me that he would earn so much that I did not need money of my own. Our first daughter was born just ten months after our marriage, in 1998, and a second followed in 2001.

11. During this time, Aidan began to associate with the elite levels of Kazakh business and political leadership, gaining access to privatization deals that generated huge profits for those able to access them.

12. Around 2000-2001, we used our joint funds to purchase land in Almaty to build a house for our family. I supervised the construction of the house and its furnishing, both of which I designed and oversaw every detail of. The house was titled exclusively in my name, and Aidan frequently referenced that the house belonged to me. Aidan, our children, and I lived in the house from about 2005 until 2016 when I left Aidan.

13. In 2007 or 2008, I received an offer to buy the house and property for \$20 million. Aidan refused to allow me to sell the home that was in my name. He stated that we had enough money and did not need more.

14. After we married, Aidan changed. He became abusive and frequently beat and threatened me. He drank and carried on extramarital affairs in Kazakhstan and during his travels abroad. I left or tried to leave Aidan on several occasions, but I could not permanently leave him for fear of losing my children and other threats he made against me. For example, he threatened to take my daughters away, leave me without any money, and have me committed to a mental asylum. In 2010, he beat me so badly that he broke his hands. At the time I was pregnant with our third child. A few days later a doctor informed me that the baby did not survive, and the dead fetus was surgically removed from me.

15. Aidan also told me that he was able to have me, or anyone else, killed if he wished. He implied he might have already done so and told me I knew nothing about him. I was too scared to leave.

16. Aidan carried out many extramarital affairs. I, and my lawyers, possess documents confirming that he spent large sums of money on such affairs, including payments to prostitutes. I have been told by someone with personal knowledge that Aidan paid for lavish trips for these lovers for his pleasure as well as the pleasure of his friends and associates.

17. In 2016, Aidan threatened and forced me to sign over my home to our eldest daughter without compensation.

18. In spring of 2016, I was unable to bear Aidan's escalating violence and abuse. I relocated to Europe and then to New York to escape.

19. In 2019, he had my home bulldozed to the ground. On my birthday, his bodyguard sent me taunting videos of him walking through the demolition site where my belongings had been destroyed. These videos remain in my possession and the possession of my attorney.

20. In 2017, I relocated to New York. I have lived here consecutively ever since.

21. Since I have lived in New York, I have been threatened with physical violence and confronted by persons associated with Aidan. I have been followed on a number of occasions when I leave my home.

22. I am currently being threatened with eviction from my home due to Aidan's unlawful withholding of funds owed for co-op fees and state property taxes on the apartment.

The Divorce Proceeding

23. On August 23, 2017, Aidan filed for divorce in the Medeu District Court of Almaty, a trial court, in Kazakhstan. I appealed to overturn the court's order granting the divorce. On May 15, 2018, the Appellate Judicial Board for Civil Cases of the Almaty City Court in Kazakhstan upheld the Divorce Petition, legally ending my marriage to Aidan. The divorce decree was entered without a ruling or agreement on the division of the marital assets.

24. I have since learned that the judge who oversaw our divorce proceeding was arrested for accepting bribes to alter the outcome of cases. I have been told by sources in Kazakhstan that Aidan paid her \$1,000,000 to rule in his favor for the divorce.

25. Under Kazakh law, I have the right to seek equitable distribution of our marital property in court. I am legally entitled to half of his assets as of May 15, 2018.

26. Aidan insisted that the divorce proceed quickly and told the Kazakh court we would reach an agreement on the division of the assets after. However, he has refused to engage

in any meaningful settlement talks since I separated from him. The offers he made were insincere and unacceptable because I was legally entitled to half of our marital wealth and because under his proposed arrangements, he would continue to control my life.

The Equitable Division Action

27. In preparation for an equitable division action in Kazakhstan, I hired Lewis Baach Kaufmann Middlemiss PLLC and, by and through them, other counsel, investigators, and analysts, to assist me in tracing and locating Aidan's concealed assets.

28. In late December 2020, I arranged for an attorney in Kazakhstan to represent me to engage Aidan in a settlement discussion. The Kazakh lawyer informed me in early April that a senior partner of her firm received a call from a businessman named Michael Sauer threatening that if the firm took on my case, the firm would be shut out of doing any business in Kazakhstan. I am personally familiar with Michael Sauer. He is one of Aidan's closest business associates for many years. He acts at Aidan's instruction to carry out Aidan's business. I believe that Aidan instructed Mr. Sauer to call the Kazakh firm to scare them out of representing me. Certainly, Aidan is powerful enough to impact the firm's business prospects in Kazakhstan.

29. It was clear that Aidan has no interest in settling this matter privately. After my first attorney quit, I hired Yevgeniy Tikhonov to represent me in my action for equitable distribution in Kazakhstan.

30. I was informed by sources in Kazakhstan that after my first attorney quit, one of Aidan's attorneys began frequenting the courthouse seeking information about me and which attorney might represent me in a potential equitable division action. I believe they were seeking this information to threaten Mr. Tikhonov, as they did my prior counsel.

31. In the course of trying to file the Kazakh action, Mr. Tikhonov was repeatedly denied access to public information that Kazakh agencies are required to make available to aid in the filing of lawsuits. Mr. Tikhonov was told by government workers that Aidan's status entitled him to privacy and refused to provide it.

32. On April 22, 2021, Mr. Tikhonov filed a lawsuit against Aidan in the Medeu District Court of the City of Almaty ("Medeu District Court") seeking equitable division of marital assets. On April 23, 2021, the lawsuit appeared in the Kazakh court online system as formally registered.

33. On May 6, 2021, the Medeu District Court dismissed the lawsuit with leave to refile. The grounds the court cited for dismissal are suspicious and inconsistent with Kazakh law. I believe that this was a further effort of Aidan or those acting on behalf to impede my ability to pursue an equitable division of our assets.

34. On May 10, 2021 Mr. Tikhonov filed an amended lawsuit in Medeu District Court. The Notice of Submission is attached hereto as Exhibit A.

The Marital Assets

35. In 2019, Forbes listed Aidan's wealth as at least \$313 million. I know from personal knowledge and information and I have learned since our divorce that Aidan acquired much more than that during our marriage.

36. I believe his true net worth to exceed \$1 billion. On at least one occasion, Aidan directly told me that his net worth exceeded \$1 billion. On numerous occasions he showed me computer screens showing assets and accounts he claimed were his. While I cannot remember precise numbers, my recollection is that the values added up to over one billion dollars.

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37. During our marriage, I was privy to many of Aidan's business deals. I attended meetings and social gatherings with his business associates where their business and profits were discussed. I also met on several occasions with Aidan's personal banker at Credit Suisse and other Swiss banks. At these meetings I learned the details of some of Aidan's transactions and assets, their values, and the names of other parties involved. I was also made privy to the concealed ownership structures that Aidan and his associates used to hide the assets literally all over the world. I became aware of the names of nominees and entities that Aidan used to conceal his wealth, though some details were kept secret even from me. I know many of these deals to have ties to the United States, and, in particular, New York.

38. Aidan has been involved in many privatization deals which he pursued with other well-connected business and political leaders. Some of these have included the Almaty Airport, Kazakh Telecom, Nepal Telecom, exploitation of oil and mineral deposits, and inside deals to provide services to state-owned businesses, including TenizService LLP.

39. One entity I learned of during these meetings and gatherings was Verno Capital Group Limited ("Verno Capital"). Verno was one of Aidan's primary investment vehicles. I frequently interacted with Aidan, Marie-Hélène Bérard, Michael Sauer, Roland Nash, and Dimitri Kryukov, his partners in the business and learned that they operate and control Verno Capital with Aidan. Ms. Bérard and Mr. Kryukov frequently serves as a nominee owner to act as proxy for Aidan. Based on conversations with Aidan, Ms. Bérard, and Mr. Kryukov, I believe that Aidan has or had approximately \$250 million in assets held through Verno Capital. I do not believe they are held in his own name.

40. I am aware that, through Verno Capital, Aidan was involved in a privatization deal regarding Almaty Airport.

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41. I also attended meetings and gatherings with certain principals of Mubadala Fund, again including Ms. Bérard and Mr. Kryukov, where I learned the details of Aidan's financial relationship with and investments in and through Mubadala Fund. I am aware from these conversations that Aidan met with the highest levels of leadership in the Mubadala Fund. In 2011, I accompanied Aidan and Mr. Kryukov on a two-week trip from Croatia to Greece aboard a chartered yacht to celebrate the investment in the Mubadala Fund hitting \$1 billion. Aidan and Mr. Kryukov drank heavily and discussed Mubadala Fund throughout the trip. From their conversations, I believe this trip was financed by Mubadala profits. I, and my lawyers, have documents evidencing payment from offshore accounts to the charter company's Florida bank account. From my presence at these meetings, I know that Aidan secretly invested side-by-side with other Kazakh elites using strawmen to conceal his interest. I further know that they used some of these co-mingled assets to purchase real estate assets in the United Kingdom and United States.

42. I am also personally aware of Aidan's financial involvement in Kaz Minerals PLC. I was present when deals were discussed by Aidan and his partners, including Vladimir Kim and Eduard Ogai. I know that privatization deals and the sale of Kaz Minerals assets generated huge profits for Aidan and his partners. Offshore entities and strawmen were used to hide the profits, and some of the profits were used to purchase real estate in the United Kingdom and United States. Kaz Minerals was one of the assets listed on the computer screen that Aidan showed me, and I have documents reflecting the structures used in privatization deals for Kazakh oil and mineral deals, including privatization and sale of assets relating to the Koksay copper mines and the East Akzhar oil fields. I have obtained paperwork reflecting the steps of this deal and some of the shell companies involved, and I have spoken with participants who explained

the deal to me in detail. I lack bank records showing the value and exact disposition of the profits.

43. Paladigm is an investment vehicle located in Singapore that Aidan controlled and used for certain of his investments. Aidan initially created Paladigm to receive moneys generated from his involvement in the privatization of the national telecom system in Nepal, as well as his purchase of a bank in Cambodia called ABA Bank. Aidan installed Damir Karassayev as nominee owner of both Paladigm and ABA Bank. I know this because I hosted Damir Karassayev at a dinner at my home in Almaty during my marriage to Aidan. At that time, Aidan bragged to me that while Mr. Karassayev was the paper owner of ABA Bank, it was Aidan who arranged the purchase of the bank and installed Mr. Karassayev as the owner, but Aidan himself funded the purchase and controlled the bank

44. Aidan is also the owner and primary investor in another offshore fund called Visor. Aidan showed me computer screens showing the value of Visor and bragged about the funds he had invested in Visor through nominee owners including Nikolay Varenko, Vladislav Kim, Michael Sauer, and Gulzhamash Zaitbekova.

45. Aidan, together with members of the Kazakh elite, has also been involved in privatization deals for oil and gas fields in Kazakhstan. The profits of these deals were channeled through offshore entities and funds, including but not limited to: Handoxx Inv. Ltd.; Compass Global Investments Closed Unit Investment Fund, Silverstand Bay Limited, and Repulse Bay Limited. Like other deals, funds from these deals were channeled to the United States and other countries in the form of real estate investments.

46. During our marriage, at Aidan's insistence, I met and communicated with many of his private bankers and financial advisors, including the following: Aidan's personal bank at

Credit Suisse (Ramunas Rozgys), Bordier & Cie (Alois Sommer), CIM Banque (Stephan Brunner), Julius Baer (Olivier Jacquemoud), CBH Helvetique (Simon Benhamou), HSBC Geneva (lawyer Marc Bonnant). Advanced Bank of Asia (ABA) (Damir Karassayev), Halyk Bank (Umut Shayakhmetova), and Forte Bank (Timur Issatayev and Talgat Kuanyshев). Aidan would boast to me about his wealth before and after these meetings.

47. I met all of these bankers, generally with Aidan but occasionally on my own. For example, I initially met Ramunas Rozgys, Aidan's personal banker at Credit Suisse, in Singapore. Thereafter, I personally met with him in Singapore several times. Aidan directed me to open a Credit Suisse account that could be used to send and receive assets from his business activities. In one such meeting, Mr. Rozgys told me that he had invested Aidan's money "very well" and that Aidan makes about 8% profit every year. Mr. Ramunas gave me the impression that Aidan kept a significant amount of money at Credit Suisse. For example, he casually mentioned a \$10 million transfer as if it was nothing. Mr. Rozgys told me that Aidan once earned \$10 million in one day on the stock exchange. Aidan told me the same story. I also met with Mr. Rozgys' assistants, with Dee Jee Cheng, a senior assistant relationship manager; and Tze Yang Tan, a relationship manager, both at Credit Suisse's Singapore office.

48. At Credit Suisse, Aidan caused the creation of accounts for another offshore structure involving an entity called Handoxx Inv. Ltd which was used to receive profits from the privatization of oil and gas fields in Kazakhstan. Handoxx was part of an offshore network including a number of entities and funds, including Compass Global Investments Closed Unit Investment Fund, Silverstand Bay Limited, Repulse Bay Limited and others. Millions of dollars passed through this structure to fund purchases of luxury properties, aircraft, and other items.

49. Of course, the examples I provided above are merely the banks where I met Aidan's personal bankers. He had accounts and relationships with many other banks, including Citibank, JP Morgan & Chase, UBS, Deutsche Bank, LGT Bank, ING Bank, BNP Paribas, DHB Bank, Banque Internationale a Luxembourg, EFG Bank, Hellenic Bank, Santander, Unicredit, Kazkommertzbank, BTA Bank, and Kaspi Bank.

50. Aidan has purchased many properties in the United States, sometimes in his own name and sometimes in the names of nominees. I know that Aidan regularly uses the services of Edward Mermelstein, a real estate attorney and broker. Many of the wealthy elite of Kazakhstan and Russia utilize Mr. Mermelstein for U.S. real estate transactions. Mr. Mermelstein is affiliated with the law firm Rheem Bell & Freeman LLP located in Manhattan. Mr. Mermelstein also has a licensed real estate brokerage, One and Only Realty, Inc., also located in Manhattan. Mr. Mermelstein is assisted in his real estate work by a team of assistants, including Aiya Tulemaganbetova, Gennady Perepada, Olga Klugina, Christine Bell, Elena Ash, Eleonora Stefantsova, Aliya Kadir, and Anastasia Klimenko. All of them have information about the real estate deals involving Aidan and his partners.

51. For example, Mr. Mermelstein and members of his team set up an LLC named 212 Fifth Avenue Unit 3B LLC and brokered the purchase of the apartment I currently live in on its behalf. Ms. Klugina and Ms. Klimenko signed all the documents related to the LLC and the apartment purchase.

52. Aidan's other properties include or have included an apartment at the Heritage at Trump Place, 240 Riverside Boulevard in Manhattan. I also believe that Aidan has purchased or may have financial interests in a number of other properties, including: a 4,000 square foot

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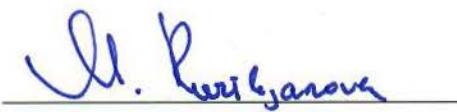
apartment at the Plaza,¹ a unit at Cipriani Club Residences,² a unit at 520 Park Avenue, and at least one property in New Jersey: a 17,000 square foot home at 2 Margo Way, Alpine, New Jersey. In addition, I believe Aidan may have a secret ownership interest in the 2014 purchase of more than five acres of land in Los Angeles located at 60-62 Beverly Park Cir, Beverly Hills, California. The 10-bedroom, 16-bathroom, 11,204 square feet villa was purchased for approximately \$40 million by Edward Ogai. In late 2019, it was relisted for sale as two separate properties for approximately \$28 million and \$30 million. The funds used purchase this property come from deals that Aidan worked on and discussed with me.

53. Aidan is also involved in real estate development projects in Manhattan through Meridian Capital Limited, a Hong Kong-based entity that I have learned that he controls. Aidan has invested tens of millions through Meridian.

54. During our marriage, Aidan held an American Express Centurion card that he used for many personal expenses.

55. I also know that Aidan paid thousands of dollars for prostitutes located in New York, based on communications in my, and my attorney's, possession. Aidan used a family chat room to communicate with one prostitute and I was able to capture screen shots of their texts and photographs.

Dated: May 11, 2021



MAKPHAL KARIBZHANOVA

¹ 1 Central Park South, 768 5th Avenue, Apt. 1801, New York, NY

² 55 Wall Street, Apt. 702, New York, NY 10005

Sworn to me this

11th day of May, 2021



NOTARY PUBLIC

